

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HARRISON DAUGOMAH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-0363-F
)	
KAY COUNTY JAIL, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983. Plaintiff's pleadings are liberally construed.


Magistrate Judge Gary M. Purcell's Supplemental Report and Recommendation of January 7, 2008 (the Report), is before the court. (Doc. no. 44.) In it, Magistrate Judge Purcell recommends that defendant Kay County Jail's motion to dismiss (doc. no. 25) be granted and that the cause of action against this defendant be dismissed pursuant to Rule 12(b)(6), Fed. R. Civ. P., for failure to state a claim for relief. The Report also recommends that defendant VanHoesen and defendant Ringgold's motion for summary judgment (doc. no. 36) be granted, and that judgment issue in favor of these defendants and against plaintiff pursuant to Rule 56(c), Fed. R. Civ. P.

The Report advised plaintiff of his right to file an objection to the Report with clerk of this court by January 28, 2008. The Report further advised that failure to make timely objection to the Report waives plaintiff's right to appellate review of both factual and legal issues contained in the Report. Plaintiff has not filed an objection

or response to the Report, and plaintiff has not sought an extension of time within which to file any objection or response.¹

After review of the issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, the Supplemental Report and Recommendation of Magistrate Judge Gary M. Purcell is **ACCEPTED**, **ADOPTED**, and **AFFIRMED** in its entirety. Defendant Kay County Jail's motion to dismiss is **GRANTED**; this cause of action is dismissed as to that defendant pursuant to Rule 12(b)(6), Fed. R. Civ. P., for failure to state a claim for relief. Defendant VanHoesen's and defendant Ringgold's motion for summary judgment (doc. no. 36) is **GRANTED**; judgment shall issue in favor of defendants VanHoesen and Ringgold and against the plaintiff pursuant to Rule 56(c), Fed. R. Civ. P.

Dated this 31st day of January, 2008.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

07-0363p004.wpd

¹Plaintiff's copy of the Report was returned to this court as undeliverable to plaintiff. (Doc. no. 45.)